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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000342

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SUBJECT: AZERBAIJAN: PRESIDENTIAL ADVISOR HAS LITTLE NEWS
ON BROADCASTING IGA, BUT ENCOURAGING WORDS ON LIBEL

Classified By: Ambassador Anne E. Derse, for reasons 1.4 (b, d).

11. (C) SUMMARY: On April 24 the Ambassador met with Presidential Advisor on Social-Political Affairs Ali Hasanov to discuss the intergovernmental agreement (IGA) proposed by the Broadcasting Board of Governors (BBG) to return Voice of America and Radio Liberty to FM frequencies. Hasanov began the meeting by expressing frustration with Turkey over Azerbaijan and the Nagorno-Karabakh conflict (NK) being left out of Turkey's reconciliation with Armenia. Hasanov had no concrete response to the IGA, but said the relevant players would hold an interagency meeting to discuss the GOAJ position sometime between May 10 and 20. Hasanov also confirmed his earlier statement to the press, citing the President's view that libel cases should not be handled by the criminal court system. This statement is a new and positive step for the GOAJ; in Hasanov's words, it was "a signal to the judicial system" not to employ the criminal libel law, which we hope will result in a de facto moratorium on its use. END SUMMARY

Turkey-Armenia Reconciliation

12. (C) Hasanov began the meeting by stating that the President's office faced a lot of work at the moment because "Turkey has sold us for a cheap price." He stated that Turkish officials had told the GOAJ one thing, but in reality had done something different. He felt that if there were no progress on solving NK along with Turkey's reconciliation with Armenia, then the Azerbaijani people would have the same attitude towards Turkey that they do toward Iran. He said he believes President Obama is a man of his word, and that he is hopeful that the USG will pay as much attention to Azerbaijani-Armenian relations as it does to Turkish-Armenian relations. He said without progress on liberating the occupied territories, he felt war was inevitable. The Ambassador laid out the USG view that Turkey Armenia reconciliation would lead to peace and security in the region, that the USG, as President Obama had told President Aliyev, is committed to supporting progress on NK and that we are intensifying our efforts to secure a breakthrough.

No Response to Broadcasting IGA Until May 10-20

13. (C) The Ambassador then asked Hasanov if the GOAJ had a response to the proposal from the BBG. She noted that we had understood from discussion with Hasanov and other GOAJ officials that the radios would be allowed to continue to broadcast as we negotiated an IGA, and we were disappointed when they were pulled from the FM airwaves. Nonetheless, we

hope to resume broadcasting through conclusion of the IGA. Hasanov replied that he was familiar with the text and it seemed sound, but the response does not depend on him. He stated that the GOAJ needs to have an interagency meeting to discuss the document, which would include representatives from the Ministry of Foreign Affairs, Ministry of Communication and Information Technology, the National Television and Radio Council, and the Cabinet of Ministers, in addition to the Presidential Apparatus. He expects this meeting will take place between May 10 and 20. He said he felt confident the issue could be resolved, and stated once again that the radios were closed due to issues with the broadcasting law, and not for political reasons. In a new argument, he said the issue was different than the earlier closure of Turkish and Russian radio stations, because the American and British stations broadcast in Azerbaijani language, which made them better than the "language expansion" policies of the Turks and the Russians.

Libel and Imprisoned Journalists

¶4. (C) PAO then asked Hasanov to confirm positive statements he had made earlier to the Azerbaijani press in which he said the President opposes the use of criminal courts to decide cases of libel. Hasanov stated that this was President Aliyev's position, as well as his own. He repeated that libel should be part of the civil code, and that Azerbaijan had to be in compliance with international norms on this issue. He stated that no more journalists would be arrested "for their journalist activities." Hasanov

BAKU 00000342 002 OF 002

said that the President's statement was intended to be "a signal to the judicial system" not to employ the criminal libel law.

¶5. (C) Hasanov then said, unprompted, that there were journalists still in jail, but that there are none in jail for their professional activities. He said "the most acute case" was that of Azadliq editor Ganimat Zahidov, who was arrested for fighting, but that the GOAJ plans to release him. No date was given for this release, however. PAO asked about Eynulla Fatullayev, to which Hasanov replied that this case was before the European Court of Human Rights, adding that the GOAJ will heed the ECHR's verdict when it is given. Hasanov also talked about the new media support fund, which will be reported septel.

COMMENT

¶6. (C) Hasanov's, and more importantly, the President's comments on applying international norms on libel constitute a new and positive step by the GOAJ, as this issue has consistently been on the agenda of the USG-GOAJ democracy dialogue. Top journalists and media defenders have expressed their optimism as a result of these high-profile statements. The President has directly signaled that prosecutors should refrain from using the current libel law's criminal sentencing provisions. The GOAJ is well aware that this is the norm in many countries in Europe, which have criminal libel on the books, but do not use it. Hasanov's generally positive outlook on a possible agreement with the BBG and the May timing for a GOAJ response is also encouraging.

DERSE